

ESTTA Tracking number: **ESTTA307735**

Filing date: **09/23/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Straumann Holding AG
Granted to Date of previous extension	09/23/2009
Address	Peter Merrian Weg 12 CH-4002 Basel, SWITZERLAND
Attorney information	Sanjiv D. Sarwate Pattishall McAuliffe Newbury Hilliard & Geraldson LLP 311 South Wacker Drive Suite 5000 Chicago, IL 60606 UNITED STATES ssarwate@pattishall.com

### Applicant Information

Application No	77663391	Publication date	05/26/2009
Opposition Filing Date	09/23/2009	Opposition Period Ends	09/23/2009
Applicant	IKANO THERAPEUTICS INC. 250 PEHLE AVENUE PARK 80 WEST - PLAZA TWO, SUITE 310 SADDLE BROOK, NJ 07663 UNITED STATES		

### Goods/Services Affected by Opposition


Class 005. All goods and services in the class are opposed, namely: NASAL SPRAYS FOR THE TREATMENT OF DISORDERS AND DISEASES RELATED TO THE CENTRAL NERVOUS SYSTEM AND GASTRO-INTESTINAL DISORDERS AND DISEASES
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3423096	Application Date	10/03/2006
Registration Date	05/06/2008	Foreign Priority Date	04/26/2006
Word Mark	ITI		

Design Mark	
Description of Mark	The color black appears in the wording ITI and the color gray appears in the circle arc design. The space between the letters and the circle arc design is white.
Goods/Services	<p>Class 016. First use:  Printed publications, namely books, magazines, newsletters, brochures, booklets, pamphlets, leaflets, bulletins, instruction manuals, instruction handbooks, journals, periodicals, reference guides, catalogs, and instructional and teaching material in the fields of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, periodontitis, restorative and reconstructive dentistry and hard and soft tissue regeneration, advertising pamphlets, and photographs</p> <p>Class 041. First use:  Educational services, namely providing continuing dental education courses in the fields of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, restorative and reconstructive dentistry, and hard and soft tissue regeneration and reconstruction</p> <p>Class 042. First use:  Medical and scientific research in the field of medical science, in the field of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, restorative and reconstructive dentistry, and hard and soft tissue regeneration and reconstruction, and scientific and industrial research in the field of technology, implantology, surgery, orthodontics, paedodontics, periodontics, prosthodontics, restorative and reconstructive dentistry, and hard and soft tissue regeneration and reconstruction</p>

U.S. Application No.	78406348	Application Date	04/22/2004
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ITI		
Design Mark			
Description of Mark	NONE		

Goods/Services	<p>Class 016. First use: Printed publications, namely, books, pamphlets, newsletters, brochures, journals, magazines, booklets, bulletins, manuals, handbooks, and leaflets in the fields of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, periodontitis, restorative and reconstructive dentistry, and hard and soft tissue regeneration and reconstruction</p> <p>Class 041. First use: Educational services, namely, providing continuing dental education courses in the fields of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, periodontitis, restorative and reconstructive dentistry, and hard and soft tissue regeneration and reconstruction</p> <p>Class 042. First use: Medical and scientific research, namely, conducting clinical trials; technology consultation and research in the fields of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, periodontitis, restorative and reconstructive dentistry, and hard and soft tissue regeneration and reconstruction</p> <p>Class 044. First use: Medical diagnostic in the fields of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, periodontitis, restorative and reconstructive dentistry, and hard and soft tissue regeneration and reconstruction</p>
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Attachments	<p>79032839#TMSN.jpeg ( 1 page )( bytes )</p> <p>78406348#TMSN.jpeg ( 1 page )( bytes )</p> <p>77663391.PDF ( 6 pages )(174016 bytes )</p>
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/sanjiv d sarwate/
Name	Sanjiv D. Sarwate
Date	09/23/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 77/663,391:

ITI

Published in the *Official Gazette* of May 26, 2009 in International Class 5

STRAUMANN HOLDING AG,

Opposer,

v.

IKANO THERAPEUTICS, INC.

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Straumann Holding AG, a Swiss Aktiengesellschaft organized under the laws of Switzerland with its principal place of business at Peter-Merian Weg 12, CH-4002 Basel, Switzerland ("Opposer"), believes it will be damaged by registration of the mark shown in Application Serial No. 77/663,391 (the "Opposed Application"), and opposes the same.

The grounds for the opposition are as follows:

1. Opposer is a global leader in implant and restorative dentistry and oral tissue regeneration.
2. In addition to offering cutting-edge products for implant and restorative dentistry and oral tissue regeneration, Opposer also sponsors research in these fields, publishes the results of such research, and sponsors continuing education programs in these fields.
3. Since long prior to the filing date of the Opposed Application, Opposer and its affiliated entities have used and continue to use the ITI name and mark in connection with its research sponsorship, publication, and continuing education activities in the fields of implant and restorative dentistry and oral tissue regeneration.

**Certificate of Transmission**  
I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office on September 23, 2009.

4. Opposer owns or co-owns the following registration and trademark

application:

Mark	Reg. No./ Ser. No.	Filing Date	Reg. Date	Goods
<p><b>ITI</b></p> <p>(co-owned with ITI Stiftung für orale Implantologie; und deren Grenzgebiete)</p>	3,423,096	October 3, 2006	May 6, 2008	<p><u>Class 16</u>: Printed publications, namely books, magazines, newsletters, brochures, booklets, pamphlets, leaflets, bulletins, instruction manuals, instruction handbooks, journals, periodicals, reference guides, catalogs, and instructional and teaching material in the fields of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, periodontitis, restorative and reconstructive dentistry and hard and soft tissue regeneration, advertising pamphlets, and photographs</p> <p><u>Class 41</u>: Educational services, namely providing continuing dental education courses in the fields of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, restorative and reconstructive dentistry, and hard and soft tissue regeneration and reconstruction</p> <p><u>Class 42</u>: Medical and scientific research in the field of medical science, in the field of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, restorative and reconstructive dentistry, and hard and soft tissue regeneration and reconstruction, and scientific and industrial research in the field of technology, implantology, surgery, orthodontics, paedodontics, periodontics, prosthodontics, restorative and reconstructive</p>

Mark	Reg. No./ Ser. No.	Filing Date	Reg. Date	Goods
				dentistry, and hard and soft tissue regeneration and reconstruction
ITI	78/406,348	April 22, 2004	n/a	<p><u>Class 16:</u> Printed publications, namely, books, pamphlets, newsletters, brochures, journals, magazines, booklets, bulletins, manuals, handbooks, and leaflets in the fields of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, periodontitis, restorative and reconstructive dentistry, and hard and soft tissue regeneration and reconstruction</p> <p><u>Class 41:</u> Educational services, namely, providing continuing dental education courses in the fields of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, periodontitis, restorative and reconstructive dentistry, and hard and soft tissue regeneration and reconstruction</p> <p><u>Class 42:</u> Medical and scientific research, namely, conducting clinical trials; technology consultation and research in the fields of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, periodontitis, restorative and reconstructive dentistry, and hard and soft tissue regeneration and reconstruction</p> <p><u>Class 44:</u> Medical diagnostic in the fields of dentistry, implantology, orthodontics, paedodontics, periodontics, prosthodontics, periodontitis, restorative and reconstructive dentistry, and hard</p>

Mark	Reg. No./ Ser. No.	Filing Date	Reg. Date	Goods
				and soft tissue regeneration and reconstruction

Registration No. 3,423,096 is valid, subsisting, and co-owned by Opposer.

5. Opposer has invested substantial sums in advertising and promoting the ITI name and mark in the United States and around the world. As a result of these activities, and Opposer's extensive sponsorship of research, publication, and continuing education conducted under the ITI name and mark, Opposer owns a valuable goodwill symbolized by its ITI name and mark.

6. Applicant has filed the Opposed Application to register the mark ITI as a trademark for "nasal sprays for the treatment of disorders and diseases related to the central nervous system and gastro-intestinal disorders and disease" in International Class 5.

7. Applicant's use of the trademark identified in the Opposed Application is likely to result in confusion, mistake, or deception with Opposer's ITI name and mark, or in the belief that Applicant or its goods are in some way legitimately connected with, licensed or approved by Opposer.

8. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant has any basis for claiming rights in the trademark identified in the Opposed Application prior to February 7, 2009, the filing date of the Opposed Application.

9. Applicant's use and application to register the trademark identified in the Opposed Application is without Opposer's consent.

WHEREFORE, registration by Applicant of the mark ITI for the goods stated in Application Serial No. 77/663,391 would be damaging to Opposer and should therefore be denied.


Opposer requests that the \$300.00 filing fee for this opposition be charged to Deposit Account No. 16-0650. Please address all correspondence to: Robert W. Sacoff, Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606.

Respectfully, submitted,

Dated: September 23, 2009

PATTISHALL, McAULIFFE, NEWBURY,  
HILLIARD & GERALDSON LLP

By: \_\_\_\_\_



Robert W. Sacoff  
Sanjiv D. Sarwate  
311 South Wacker Drive  
Suite 5000  
Chicago, Illinois 60606  
(312) 554-8000

Attorneys for Opposer, Straumann Holding AG



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF OPPOSITION** was served upon the registrant by depositing a copy of the same with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to:


Robert M. O'Connell, Jr.  
Goodwin Procter LLP  
Exchange Place  
53 State Street  
Boston, MA 02109

on September 23, 2009.

Dated: September 23, 2009

PATTISHALL, McAULIFFE, NEWBURY,  
HILLIARD & GERALDSON LLP

By: \_\_\_\_\_

  
Robert W. Sacoff  
Sanjiv D. Sarwate  
311 South Wacker Drive  
Suite 5000  
Chicago, Illinois 60606  
(312) 554-8000

Attorneys for Opposer, Straumann Holding AG